



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

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November 29, 2010

TECHNICAL STAFF REPORT

*Petition Accepted on September 27, 2010
Hearing Authority Hearing of December 6, 2010*

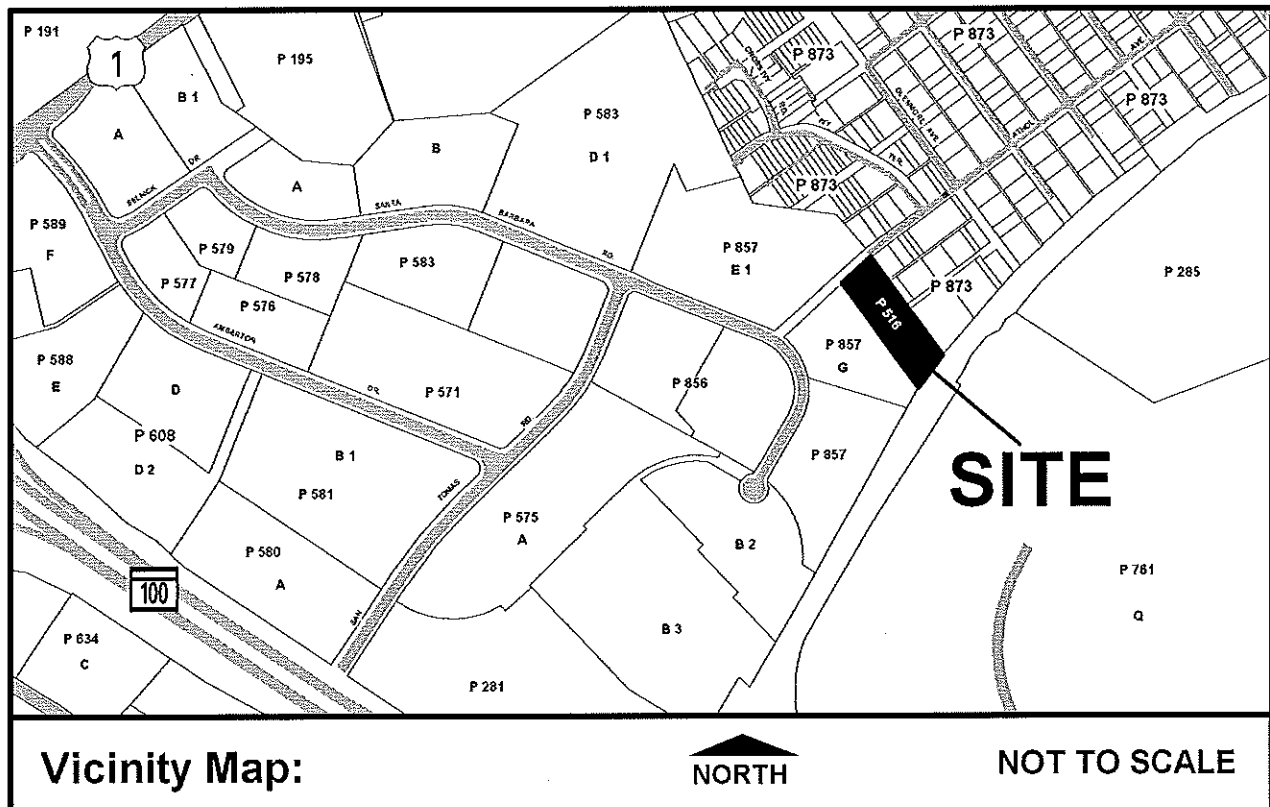
Case No./Petitioner: BA 10-027V – Carrit, LLC

Request: Variance to reduce the 150' building and use setback from residential districts to 109 feet for a building, to 56 feet for a parking lot, and to 0 (zero) feet for a driveway (Section 123.D.2.c).

Location: First Election District
Southeast of the southwest terminus of Athol Avenue;
Tax Map 38, Grid 19, Parcel 516; Currently 6835 Athol Avenue (the "Property").

Area of Site: 2.39 acres

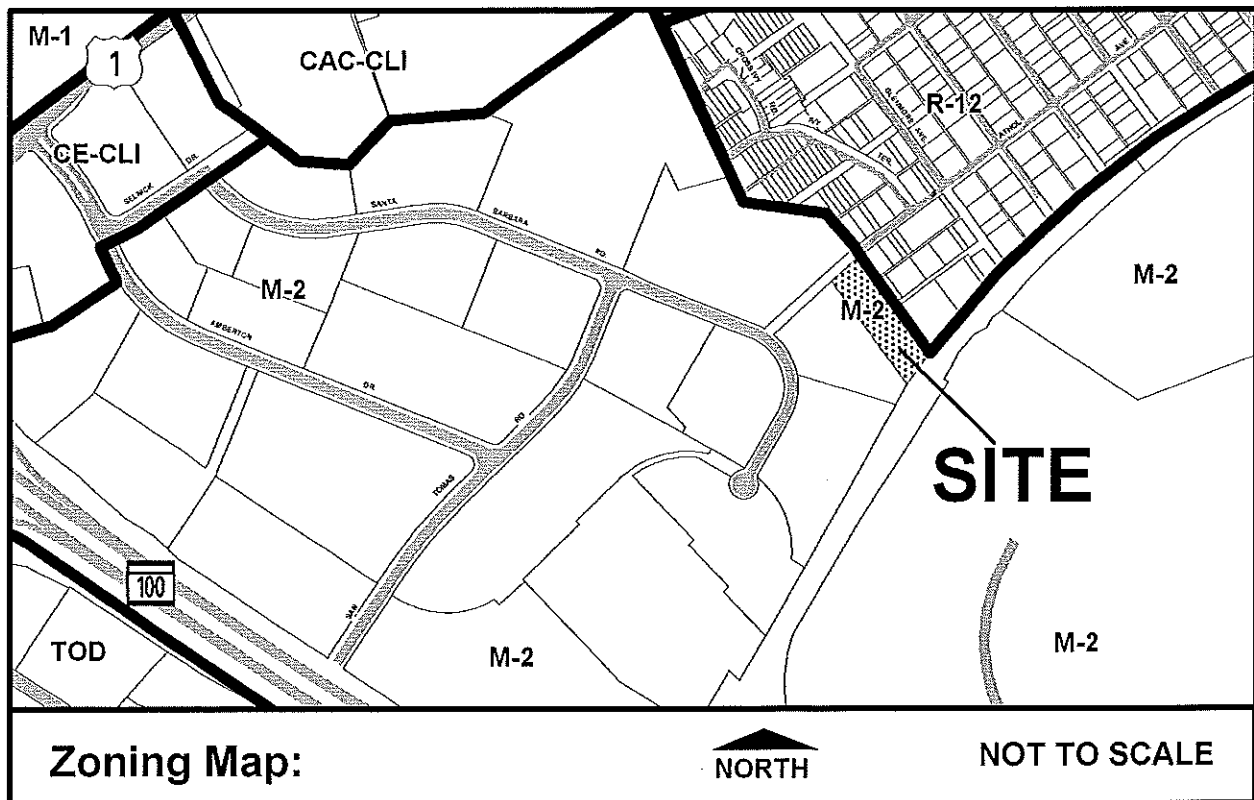
Zoning: M-2 (Manufacturing: Heavy)



I. VARIANCE PROPOSAL

The Property is an undeveloped parcel that adjoins the Route 100 Business Park industrial subdivision, but which was not part of that subdivision. It adjoins a R-12 District residential neighborhood along its northeast side, and as such is subject to a 150 foot structure and use setback from the R-12 District. This setback requirement is significant for the Property because its northeast-southwest width is only approximately 180 feet at the widest point. The Petitioner proposes to develop the Property, and requests variances from the 150 foot structure and use setback. The variance proposal is the same as was approved for BA 08-004V, which was approved by the Board of Appeals on December 2, 2008. A new variance plan was not submitted, and the Department of Planning and Zoning was instead directed to use the approved BA 08-004V plan to evaluate for this current case.

The variance plan shows a proposed building with 15,000 square feet, an elongated parking lot with 38 total parking spaces, loading spaces on the northwest side of the building, and a 24 foot wide paved driveway running between Santa Barbara Court to the southwest and the existing terminus of Athol Avenue to the northeast. The Petitioner explains that the requested variances are "...the minimum necessary to allow commercial development on the site. The proposed building and parking areas are the minimum feasible to make the site functional."

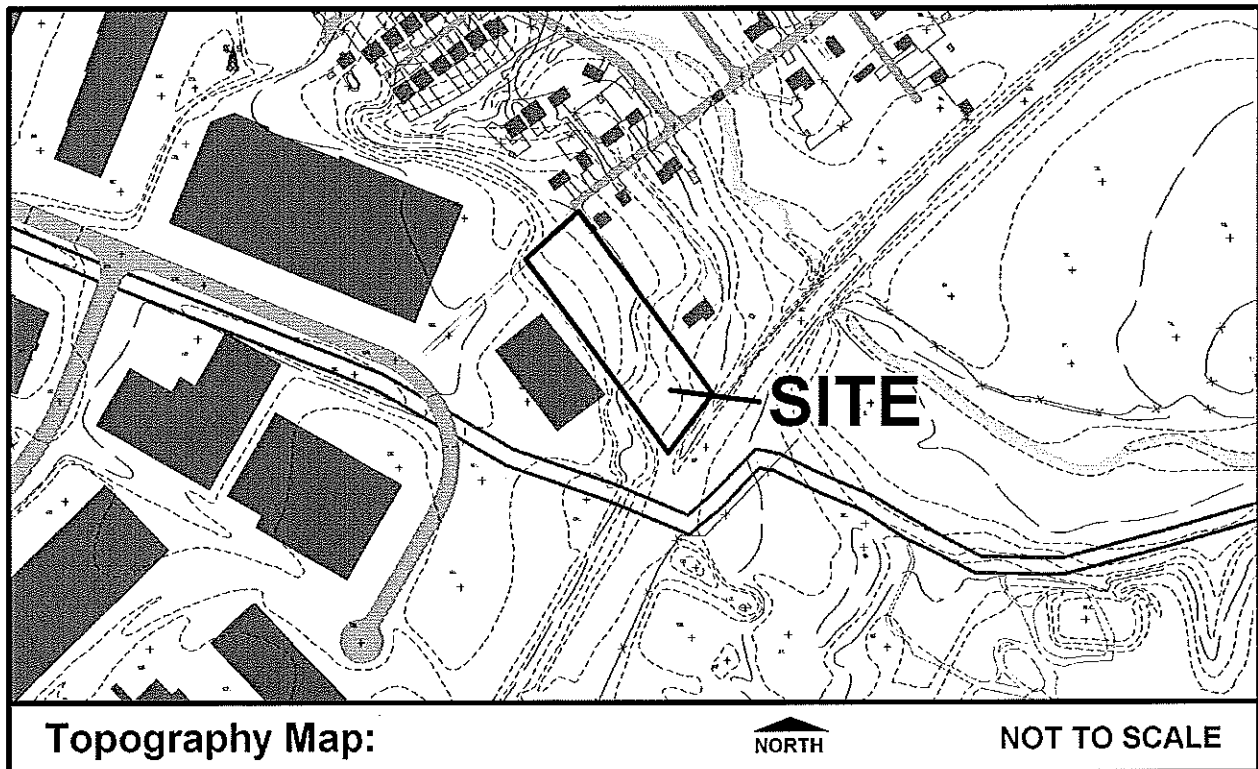


II. BACKGROUND INFORMATION

A. Site Description

The main area of the Property is approximately rectangular, with a length of slightly over 500 feet and a width that ranges from approximately 160 feet to 180 feet, with the wider portion at the northwest of the site. The Property formerly adjoined an unused public right-of-way for Athol Avenue on its northwest side, but this right-of-way was abandoned in the early 1990s and was later acquired as part of the Property, so the Property now is actually a pipestem lot with a 30 foot wide pipestem portion extending to Santa Barbara Court. This pipestem is covered by a 30 foot wide ingress/egress easement, which was imposed by the County for the purpose of providing emergency access from Santa Barbara Court to those residential properties located along Athol Avenue between the Property and a bridge over a stream further to the northeast, because a flood might block access across that stream.

The Property does not currently have any paved vehicular access to Santa Barbara Court, although there is a rough stone-covered driveway in the same general area as the ingress/egress easement. From the Santa Barbara Court frontage, this driveway drops down in elevation to a gate at the southwest end of Athol Avenue. The main area of the Property is to the southeast of this gate, and is initially an open lawn but then becomes a wooded area that drops down significantly in elevation to the southeast lot line. According to the plan, there are also wetlands at the southeast corner.



II. BACKGROUND INFORMATION

B. Vicinal Properties

To the northwest of the Property is Parcel E-1 of the Route 100 Business Park, which is improved with a large warehouse development. The portion of Parcel E-1 that is closest to the main portion of the Property is a loading area and beyond that, a wooded area. Adjoining the northeast side of the Property are residential lots in the R-12 District which have access from Athol Avenue and are improved with existing single-family detached dwellings. To the southeast of the Property is a railroad right-of-way. Adjoining the southwest side of the Property is Parcel G, which is improved with an industrial building, which is relatively small in comparison to many other buildings in the Route 100 Business Park.

C. Roads

Santa Barbara Court has two wide travel lanes and approximately 36 feet of paving within an existing 60 foot wide right-of-way. The posted speed limit is 25 miles per hour.

The estimated sight distance from the approximate location of the proposed driveway entrance is more than 400 feet to the south and over 500 feet to the northwest. Precise sight distance measurements may only be determined through a detailed sight distance analysis, however.

There is no traffic volume data available for Santa Barbara Court.

D. Water and Sewer Service

The Property is in the Metropolitan District and is within the Existing Service Area according to the Howard County Geographic Information System maps.

The site will be served by public water and sewer facilities.

E. General Plan

The Property is designated Residential Areas and Redevelopment Corridors on the Policies Map 2000-2020 of the 2000 General Plan.

Santa Barbara Court is depicted as a Local Road on the Transportation Map 2000-2020 of the 2000 General Plan.

F. Agency Comments

The following agencies had no objections to the proposal:

1. Department of Recreation & Parks
2. Bureau of Environmental Health
3. Department of Fire and Rescue Services
4. Department of Inspections, Licenses and Permits
5. Development Engineering Division

II. BACKGROUND INFORMATION

G. Adequate Public Facilities Ordinance

The petition is subject to the Adequate Public Facilities Ordinance. A site development plan for the proposed development is subject to the requirement to pass the test for adequate road facilities.

III. ZONING HISTORY

- A. Case No. BA 08-004V
Petitioner: Carrit, LLC
Request: Variance to reduce the 150' building and use setback from residential districts to 109 feet for a building, to 56 feet for a parking lot, and to 0 (zero) feet for a driveway.
Action: Granted, December 2, 2008 with the following conditions:
1. The variances shall apply only to the amended petition/plan and uses submitted to the Board on August 28, 2008, as Petitioner's Exhibit Nos. 1 & 2, and not to any other activities, uses, or structures on the Property.
 2. The proposed 15,000 square foot building shall only be used as a Contractor's Office and outdoor or indoor storage facility, as set forth in Section 122.B.16, M-1 (Manufacturing: Light) Zoning District of the 2008 Zoning Regulations.
 3. The Petitioner shall comply with all applicable Federal, State, and County laws and regulations.
- B. Case No. BA 89-20
Petitioner: Donald I. Oliver
Request: Variance to reduce the required 150 foot setback from a residential district to 100 feet for a building and parking spaces, and to 78 feet for a driveway.
Action: Dismissed, November 9, 1989

IV. EVALUATION AND CONCLUSIONS

- A. Evaluation of petition according to Section 130.B.2.a of the Zoning Regulations (general criteria for evaluating variances):
1. In comparison to many of the M-2-zoned properties in the adjoining Route 100 Business Park, the Property is relatively small and narrow, and the required 150 foot setback from the northeast lot line takes up almost all of the buildable area. The southeast area of the Property drops down significantly to the railroad, and there are wetlands in that area also. In combination, these characteristics are unique physical conditions and existing features peculiar to the particular lot, and as a result of these physical conditions, practical difficulties or unnecessary hardships arise in complying strictly with the required setbacks.

IV. EVALUATION AND CONCLUSIONS

2. As long as a proposed development of the Property is for a relatively benign permitted M-2 (or M-1) use, and leaves a significantly-wide buffer along the northeast side which can be graded to permit the planting of a Type D (Screen) landscape edge or better, a reduction in the full 150 foot setback may be justified as being in conformance with the Section 130.B.2.a.(2) criteria. However, there are certainly some M-1 and M-2 uses that because of noise and/or outdoor activity, must have more than just a visual screen to ensure conformance with Section 130.B.2.a.(2).

As noted above in the Zoning History section, in BA 08-004V the Board of Appeals made the approval on the condition that the building only be used for the contractor's office and outdoor or indoor storage facility use category of the M-1 District. While such a use category restriction would eliminate a number of uses that would not be compatible with the adjoining residential neighborhood, it does not take into consideration that the plan does not depict any outdoor storage area uses. Such uses, if intended, would need to be shown on the plan and would also need specific variances. The Petitioner needs to affirm the proposed use(s) on the Property, because the requested reduction in the 150 foot setback in this location could have a significant impact on the adjoining residential neighborhood, depending on the nature of the use(s).

3. It appears that most of the Property may have been created in 1974 when the adjoining land in the Route 100 Business Park was subdivided. According to information from Land Records, the Petitioner purchased the Property in 1999. The practical difficulties and hardships have not been created by the owner.
4. The proposed development would be a reasonable use on the Property and the 56 foot use setback for the parking lot would allow enough width for a good landscape buffer. The requested variances are the minimum necessary for relief.

V. RECOMMENDATION

For the reasons stated above, the Department of Planning and Zoning recommends that the request for variances to reduce the 150' building and use setback from residential districts to 109 feet for a building, to 56 feet for a parking lot, and to 0 (zero) feet for a driveway be **APPROVED**, provided that the intended use of the Property be established and that the landscape buffer adjoining the residential neighborhood be a Type D (Screen).

Marsha S. McLaughlin, Director

Date

MM:JRL/jrl

NOTE: The file on this case is available for review at the Public Service Counter in the Department of Planning and Zoning.



Weight: 1" x 2.000'

NOTES

1. PETITIONER, PETITIONING PARTY, OWNER, CARRI, LLC
2. C/O CONTINENTAL HANDLING CO.
873 SANTA BARBARA CT.
ELIZABETH, NJ 07208
TEL: 908-779-0000
ATTN: JEAN RUTENFRANZ
Intermarco@continentalhandling.com
3. ATTORNEY
J. TALON, PA
5100 FORSYTH HALL DRIVE
ELIOT CITY, MD 21042
410-864-0300 (P)
410-864-0300 (F)
J.Talon@J-Talon.com
4. TRACT 222
5. PROPERTY ZONING:
R-1
6. ADJOINING SUBDIVISIONS:
a. BUILDING SUBDIVISION (PER SEC. 123.02)
b. USE SUBTRAC (PER SEC. 123.02c)
c. PROPOSED ALTERNATE BUILDING SUBDIVISION
d. PROPOSED ALTERNATE USE SUBTRAC
e. EX. BUILDING AREA
f. EX. BUILDING AREA
g. PROPOSED BUILDING AREA
h. PROPOSED BUILDING MATERIAL
i. EX. PARKING SPACES
j. EX. PARKING SPACES
k. EX. PROPOSED PARKING SPACES
l. EX. PROPOSED PARKING SPACES
15. THE SITE WILL HAVE PUBLIC ACCESS TO:
SANTA BARBARA CT. APPROXIMATELY 1/2 MILE
SANTA BARBARA CT. AND SAN TOMAS AVE.
16. THE SITE IS LOCATED WITHIN THE SANTA BARBARA WATERED WITHIN THE SANTA BARBARA WATERSHED. THE WATER IS LOCATED WITHIN APPROX. 1/2 MILE OF THE SITE.

2.39 AC
W-2
RTE. 100 BUSINESS PARK
HARWOOD PARK
150'
150'
109'
58'
NO EX. BUILDINGS
15,000 S.F.
MAGNETY BLOCK
NO EX. PARKING SPACES
38 SPACES
+4 LOADING SPACES

15. THE SITE WILL HAVE PUBLIC ACCESS VIA ATHOL AVE. WHICH INTERSECTS SANTA BARBARA CT. APPROXIMATELY 700' FROM THE INTERSECTION OF SANTA BARBARA CT. AND SAN TOWNS RD.

16. SITE TO BE SERVED WITH PUBLIC WATER AND SEWER. PUBLIC SEWER IS LOCATED WITHIN THE SANTA BARBARA CT. RIGHT OF WAY AND PUBLIC WATER IS LOCATED WITHIN ATHOL AVE.



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1400 PARK CENTER DRIVE
LAUREL, MD 20707
410/370-8787 / (301) 276-1400
FAX: 410/370-1255

MOORE
CARRUT PROPERTY

FACTS ABOUT ASPHALT

Ирина Юрьевна

USE SETBACK VARIATION

1980-1981: 1st. 1982-1983: 2nd. 1984-1985: 3rd. 1986-1987: 4th. 1988-1989: 5th. 1990-1991: 6th. 1992-1993: 7th. 1994-1995: 8th. 1996-1997: 9th. 1998-1999: 10th. 2000-2001: 11th. 2002-2003: 12th. 2004-2005: 13th. 2006-2007: 14th. 2008-2009: 15th. 2010-2011: 16th. 2012-2013: 17th. 2014-2015: 18th. 2016-2017: 19th. 2018-2019: 20th. 2020-2021: 21st. 2022-2023: 22nd. 2024-2025: 23rd. 2026-2027: 24th. 2028-2029: 25th. 2030-2031: 26th. 2032-2033: 27th. 2034-2035: 28th. 2036-2037: 29th. 2038-2039: 30th. 2040-2041: 31st. 2042-2043: 32nd. 2044-2045: 33rd. 2046-2047: 34th. 2048-2049: 35th. 2050-2051: 36th. 2052-2053: 37th. 2054-2055: 38th. 2056-2057: 39th. 2058-2059: 40th. 2060-2061: 41st. 2062-2063: 42nd. 2064-2065: 43rd. 2066-2067: 44th. 2068-2069: 45th. 2070-2071: 46th. 2072-2073: 47th. 2074-2075: 48th. 2076-2077: 49th. 2078-2079: 50th. 2080-2081: 51st. 2082-2083: 52nd. 2084-2085: 53rd. 2086-2087: 54th. 2088-2089: 55th. 2090-2091: 56th. 2092-2093: 57th. 2094-2095: 58th. 2096-2097: 59th. 2098-2099: 60th. 2100-2101: 61st. 2102-2103: 62nd. 2104-2105: 63rd. 2106-2107: 64th. 2108-2109: 65th. 2110-2111: 66th. 2112-2113: 67th. 2114-2115: 68th. 2116-2117: 69th. 2118-2119: 70th. 2120-2121: 71st. 2122-2123: 72nd. 2124-2125: 73rd. 2126-2127: 74th. 2128-2129: 75th. 2130-2131: 76th. 2132-2133: 77th. 2134-2135: 78th. 2136-2137: 79th. 2138-2139: 80th. 2140-2141: 81st. 2142-2143: 82nd. 2144-2145: 83rd. 2146-2147: 84th. 2148-2149: 85th. 2150-2151: 86th. 2152-2153: 87th. 2154-2155: 88th. 2156-2157: 89th. 2158-2159: 90th. 2160-2161: 91st. 2162-2163: 92nd. 2164-2165: 93rd. 2166-2167: 94th. 2168-2169: 95th. 2170-2171: 96th. 2172-2173: 97th. 2174-2175: 98th. 2176-2177: 99th. 2178-2179: 100th. 2180-2181: 101st. 2182-2183: 102nd. 2184-2185: 103rd. 2186-2187: 104th. 2188-2189: 105th. 2190-2191: 106th. 2192-2193: 107th. 2194-2195: 108th. 2196-2197: 109th. 2198-2199: 110th. 2200-2201: 111th. 2202-2203: 112th. 2204-2205: 113th. 2206-2207: 114th. 2208-2209: 115th. 2210-2211: 116th. 2212-2213: 117th. 2214-2215: 118th. 2216-2217: 119th. 2218-2219: 120th. 2220-2221: 121st. 2222-2223: 122nd. 2224-2225: 123rd. 2226-2227: 124th. 2228-2229: 125th. 2230-2231: 126th. 2232-2233: 127th. 2234-2235: 128th. 2236-2237: 129th. 2238-2239: 130th. 2240-2241: 131st. 2242-2243: 132nd. 2244-2245: 133rd. 2246-2247: 134th. 2248-2249: 135th. 2250-2251: 136th. 2252-2253: 137th. 2254-2255: 138th. 2256-2257: 139th. 2258-2259: 140th. 2260-2261: 141st. 2262-2263: 142nd. 2264-2265: 143rd. 2266-2267: 144th. 2268-2269: 145th. 2270-2271: 146th. 2272-2273: 147th. 2274-2275: 148th. 2276-2277: 149th. 2278-2279: 150th. 2280-2281: 151st. 2282-2283: 152nd. 2284-2285: 153rd. 2286-2287: 154th. 2288-2289: 155th. 2290-2291: 156th. 2292-2293: 157th. 2294-2295: 158th. 2296-2297: 159th. 2298-2299: 160th. 2300-2301: 161st. 2302-2303: 162nd. 2304-2305: 163rd. 2306-2307: 164th. 2308-2309: 165th. 2310-2311: 166th. 2312-2313: 167th. 2314-2315: 168th. 2316-2317: 169th. 2318-2319: 170th. 2320-2321: 171st. 2322-2323: 172nd. 2324-2325: 173rd. 2326-2327: 174th. 2328-2329: 175th. 2330-2331: 176th. 2332-2333: 177th. 2334-2335: 178th. 2336-2337: 179th. 2338-2339: 180th. 2340-2341: 181st. 2342-2343: 182nd. 2344-2345: 183rd. 2346-2347: 184th. 2348-2349: 185th. 2350-2351: 186th. 2352-2353: 187th. 2354-2355: 188th. 2356-2357: 189th. 2358-2359: 190th. 2360-2361: 191st. 2362-2363: 192nd. 2364-2365: 193rd. 2366-2367: 194th. 2368-2369: 195th. 2370-2371: 196th. 2372-2373: 197th. 2374-2375: 198th. 2376-2377: 199th. 2378-2379: 200th. 2380-2381: 201st. 2382-2383: 202nd. 2384-2385: 203rd. 2386-2387: 204th. 2388-2389: 205th. 2390-2391: 206th. 2392-2393: 207th. 2394-2395: 208th. 2396-2397: 209th. 2398-2399: 210th. 2400-2401: 211th. 2402-2403: 212nd. 2404-2405: 213th. 2406-2407: 214th. 2408-2409: 215th. 2410-2411: 216th. 2412-2413: 217th. 2414-2415: 218th. 2416-2417: 219th. 2418-2419: 220th. 2420-2421: 221st. 2422-2423: 222nd. 2424-2425: 223rd. 2426-2427: 224th. 2428-2429: 225th. 2430-2431: 226th. 2432-2433: 227th. 2434-2435: 228th. 2436-2437: 229th. 2438-2439: 230th. 2440-2441: 231st. 2442-2443: 232nd. 2444-2445: 233rd. 2446-2447: 234th. 2448-2449: 235th. 2450-2451: 236th. 2452-2453: 237th. 2454-2455: 238th. 2456-2457: 239th. 2458-2459: 240th. 2460-2461: 241st. 2462-2463: 242nd. 2464-2465: 243rd. 2466-2467: 244th. 2468-2469: 245th. 2470-2471: 246th. 2472-2473: 247th. 247

1

6

2012

Figure 1

Lalush , Bob

To: Kelly Wagner
Cc: 'Sang W. Oh'
Subject: RE: Carrit, LLC - BA 10-027V

Accordingly, I will use the plan identified in the BA 08-004V file as Petitioner's Exhibit No. 2 dated August 28, 2008.

Please confirm whether or not the Petitioner still intends to limit the uses in the building to the "Contractors" use category (Section 122.B.16) as was done in BA 08-004V.

From: Kelly Wagner [mailto:kwagner@talkin-oh.com]
Sent: Friday, November 19, 2010 10:50 AM
To: Lalush , Bob
Cc: 'Sang W. Oh'
Subject: RE: Carrit, LLC - BA 10-027V

Bob - pursuant to your conversation this morning with Sang concerning the variance plan for the above noted case, please note that there have been no changes to the plan that was approved in 2008 in BA Case No. 08-004V. In the current case, we are basically asking for an extension of that approval. The same plan still applies and should be used in the review process.

Please advise if you need anything further. Thanks.

--Kelly Wagner

Kelly L. Wagner, Paralegal
Talkin & Oh, LLP
5100 Dorsey Hall Drive
Ellicott City, Maryland 21042
(410) 964-0300
(410) 964-2008 (fax)

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